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EXAMINER
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ART UNIT	PAPER NUMBER
2192	

NOTIFICATION DATE	DELIVERY MODE
02/19/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 December 2008*.

2a)☐ This action is FINAL.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,11,12,14,15,17-21 and 23-34* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,11,12,14,15,17-21 and 23-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 December 2008* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

    Applicant's submission filed on December 19, 2008 has been entered.

2. Claims 1-9, 11-12, 14-15, 17-21 and 23-34 have been examined.

Response to Amendments

3. In the instant amendment, claims 1, 7-9, 15, 29, 30 and 32-34 have been amended; claims 16 and 22 have been canceled.

4. The objection to claims 13, 33 and 34 is withdrawn in view of Applicant's amendments.

5. The 35 USC §101 rejection over claims 15-23 and 32-34 is withdrawn in view of Applicant's amendments.

Drawings

6. The drawings are objected to because FIG. 5 does not have the reference number 504 as described in the specification, page 7, lines 21-24.

    Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

6. Claim 23 is objected to because of minor informalities.

Claim 23:

    Acronym "XML" should be spelled out in full at the first appearance in claims.

    Appropriate correction is requested.

Response to Arguments

7. Applicants' arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections – 35 USC §101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 24-28 are directed to a computer-readable medium, which may include communication medium (specification, page 14, lines 25-31).

    A computer readable medium product is a tangible physical article or object, some form of matter, which a signal is not. That the other two product classes, machine and composition of matter, require physical matter is evidence that a manufacture was also intended to require physical matter. A signal, a form of energy, does not fall within either of the two definitions of manufacture. Thus, a signal does not fall within one of the four statutory classes of Sec. 101 – see MPEP 2106

Under the principles of compact prosecution, claims have been examined as the
Examiner anticipates the claims will be amended to obviate these 35 USC § 101 issues.
For example, - - *A computer-readable storage medium having computer-executable*
instructions ...- - as disclosed in the specification, page 14, lines 17-24.

Claim Rejections – 35 USC §102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that
form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or
> in public use or on sale in this country, more than one year prior to the date of application for
> patent in the United States.

11. Claims 1-3, 6-9, 11, 12 and 24-34 are rejected under 35 U.S.C. 102(b) as being
anticipated by US Patent Publication No. 2002/0070977 A1 to Morcos et al. (art made of
record, hereafter "Morcos").

Claim 1:

Morcos discloses *a system that facilitates a software development environment,*
comprising:

a hosting component that interfaces an unmanaged application (e.g., FIG.
4, Excel as an unmanaged application, [0048]-[0049])*;*

a designer framework that interfaces a development environment (e.g.,
FIG. 4, Word as a development environment, [0050]-[0054]),

the hosting component and designer framework interface (e.g., FIG. 9,
software components/framework which interface/merge menus/toolbars of Excel and
Word, [0075]-[0082])

such that the unmanaged application functions as a designer (e.g., Excel
is used so that Excel worksheets can be edited/designed, [0056]-[0061]) *within the*
development environment (e.g., Excel embedded as a worksheet in Word, [0071]-
[0073])*; and*

a host adaptor that merges at least one menu of the unmanaged application with at least one menu of the development environment (e.g., FIG. 11, merging Word menus with Excel menus, [0091]-[0092]),

determines if the development environment has focus or if unmanaged application has focus, and enables at least one merged menu item and disables at least one merged menu item based upon a result of the determination (e.g., FIG. 11, merged menu 1110 are based on focus from either Word menu 1100 or Excel menu 1105, [0083]-[0091])*;*

wherein memory coupled to a processor retains the hosting component, the design framework, the host adaptor, or a combination thereof (e.g., FIG. 4, shared memory 410, [0048]-[0054]; FIG. 1, hard disk 27 storing application programs 36 and data program 38, [0036]).

Claim 2:

Morcos discloses *the system of claim 1, the hosting component supports an object linking and embedding (OLE) technology* (e.g., [0009], [0071]-[0073]).

Claim 3:

Morcos discloses *the system of claim 1, the unmanaged application includes at least one of a word processing application or a spreadsheet application* (e.g., [0009], [0053]-[0054]).

Claim 6:

Morcos discloses *the system of claim 1, the host adaptor is application specific to facilitate the unmanaged application functioning as a designer within the development environment* (e.g., [0013]-[0017]).

Claim 7:

Morcos discloses *the system of claim 1, further comprising a document-hosting subcomponent that facilitates hosting a document that can be manipulated in the development environment* (e.g., [0016]-[0019], [0033]).

Claim 8:

Morcos discloses *the system of claim 7, the document can be manipulated using at least one of the unmanaged application or the development environment* (e.g., [0040]-[0042]).

Claim 9:

Morcos discloses *the system of claim 7, the document is one of a new document or an existing document* (e.g., [0050]-[0054]).

Claim 11:

Morcos discloses *the system of claim 1 facilitates hosting a plurality of different unmanaged applications* (e.g., [0033], [0054]-[0056]).

Claim 12:

Claim 12 is a computer-readable storage medium version, which recite(s) the same limitations as those of claim 1, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claim(s), it also teaches all of the limitations of claim 12.

Claim 24:

Morcos discloses *a computer-readable storage medium having computer-executable instructions for performing a method of integrating an unmanaged application into a development environment, the method comprising:*

receiving the unmanaged application (e.g., FIG. 4, Excel as an unmanaged application, [0048]-[0049]); *and*

interfacing the unmanaged application to the development environment (e.g., FIG. 4, Word as a development environment, [0050]-[0054])

with a host adaptor that is specific to the unmanaged application such that the unmanaged application is accessible as a designer (e.g., Excel is used so that Excel worksheets can be edited/designed, [0056]-[0061])

within the development environment Excel embedded as a worksheet in Word, (e.g., [0071]-[0073]),

the host adaptor merges at least one menu of the unmanaged application with at least one menu of the development environment (e.g., FIG. 11, merging Word menus with Excel menus, [0091]-[0092]),

determines if the development environment has focus or if unmanaged application has focus, and enables at least one merged menu item and disabled at least one merged menu item based upon a result of the determination (e.g., FIG. 11, merged menu 1110 are based on focus from either Word menu 1100 or Excel menu 1105, [0083]-[0091]).

Claim 25:

Morcos discloses *the computer-readable storage medium of claim 24, further comprising hosting a document in the development environment such that the document is manipulated using native functionality of the unmanaged application and functionality of the development environment* (e.g., [0009], [0071]-[0073]).

Claim 26:

Morcos discloses *the computer-readable storage medium of claim 24, further comprising hosting a document in the development environment and exposing a code-behind file associated with the document such that contents of the file can be manipulated* (e.g., [0016]-[0019], [0033]).

Claim 27:

Morcos discloses *the computer-readable storage medium of claim 24, further comprising hosting a document in the development environment and exposing a code-behind file associated with each subdocument of the document such that contents of each file can be manipulated* (e.g., [0013]-[0017], [0075]-[0082]).

Claim 28:

Morcos discloses *the computer-readable storage medium of claim 24, further comprising providing a view control that triggers in response to an event* (e.g., [0040]-[0042]).

Claim 29:

Morcos discloses *a method of integrating an unmanaged application into a development environment, comprising:*

interfacing the unmanaged application to the development environment with a host adaptor that is specific to the unmanaged application (e.g., FIG. 4, Excel as an unmanaged application, [0048]-[0049])

such that the unmanaged application is accessible as a designer within the development environment (e.g., FIG. 4, Word as a development environment, [0050]-[0054]),

the host adaptor merges at least one menu of the unmanaged application with at least one menu of the development environment (e.g., FIG. 11, merging Word menus with Excel menus, [0091]-[0092]),

determines if the development environment has focus or if unmanaged application has focus, and enables at least one merged menu item and disabled at least one merged menu item based upon a result of the determination (e.g., FIG. 11, merged menu 1110 are based on focus from either Word menu 1100 or Excel menu 1105, [0083]-[0091]); and

hosting a document in the development environment such that functionality of the development environment and the unmanaged application can be used to manipulate the document (e.g., Excel is used so that Excel worksheets can be

edited/designed, [0056]-[0061]; Excel embedded   as a worksheet in Word, [0071]-
[0073]).

Claim 30:

Morcos discloses *the method of claim 29, further comprising manipulating the
document by at least one of, performing a drag-and-drop operation of a control onto the
document; viewing a data-behind file associated with the document* (e.g., [0009], [0071]-
[0073])*;*

*writing managed code in the data-behind file; operating the designer in a design
mode and a runtime mode; presenting non-visual data; or drawing managed objects on
the document* (e.g., [0016]-[0019], [0033]).

Claim 31:

Morcos discloses *the method of claim 29, further comprising providing a special
page of preferences for the unmanaged application such that when integrated into the
development environment, the unmanaged application behaves according to the
preferences* (e.g., [0013]-[0017], [0075]-[0082]).

Claim 32:

Morcos discloses *a system that facilitates of integrating an unmanaged
application into a development environment, comprising:*

means for interfacing the unmanaged application (e.g., FIG. 4, Excel as an
unmanaged application, [0048]-[0049])

*to the development environment with a host adaptor that is specific to the
unmanaged application such that the unmanaged application is accessible as a
designer within the development environment* (e.g., FIG. 4, Word as a development
environment, [0050]-[0054])*;*

*means for merging at least one menu of the unmanaged application with
at least one menu of the development environment* (e.g., FIG. 11, merging Word menus
with Excel menus, [0091]-[0092]),

determines if the development environment has focus or if unmanaged application has focus, and enables at least one merged menu item and disabled at least one merged menu item based upon a result of the determination (e.g., FIG. 11, merged menu 1110 are based on focus from either Word menu 1100 or Excel menu 1105, [0083]-[0091])*;*

means for hosting a document in the development environment such that functionality of the development environment and the unmanaged application can be used to manipulate the document (e.g., Excel is used so that Excel worksheets can be edited/designed, [0056]-[0061]; Excel embedded as a worksheet in Word, [0071]-[0073])*; and*

means for supplying manipulation functionality for the document (e.g., FIG. 11, merged menu 1110, [0083]-[0091])*;*

wherein means for retaining that is operatively coupled to means for processing at least partially stores at least one of the means for obtaining, the means for interfacing, the means for merging, the means for hosting, or the means for manipulating (e.g., FIG. 4, shared memory 410, [0048]-[0054]; FIG. 1, hard disk 27 storing application programs 36 and data program 38, [0036]).

Claim 33:

Morcos discloses *the system of claim 32, the means for supplying manipulation functionality for the document facilitates at least one of, performing a drag-and-drop operation of a control onto the document* (e.g., [0016]-[0019], [0033])*;*

viewing a data-behind file associated with the document; writing managed code in the data-behind file (e.g., [0040]-[0042])*;*

operating the designer in a design mode and a runtime mode; presenting non-visual data; or drawing managed objects on the document (e.g., [0033], [0050]-[0054]).

Claim 34:

Morcos discloses the system of claim 32, further comprising means for exposing properties and components of the document for manipulation (e.g., [0013]-[0017], [0075]-[0082]).

Claim Rejections – 35 USC §103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 4, 5, 14, 15, 17-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morcos in view of US Patent No. 6,944,829 to Dando (art made of record, hereafter "Dando").

Claim 4:

Morcos does not explicitly disclose *the system of claim 1, further comprising an integration interface to facilitate integrating a third-party unmanaged application as a designer in the development environment.*

Morcos discloses *the system of claim 1, further comprising an integration interface to facilitate integrating a third-party unmanaged application as a designer in the development environment* (e.g., FIG. 9, donating menus/toolbars may be from software of third-party vendors, (e.g., [0075]-[0082]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Dando's teaching into Morcos' teaching. One would have been motivated to do so to provide Single Document Interface and Multiple Document Interface to an IDE as suggested by Dando (e.g., col.2: 6-42; col.6: 45 – col.7: 14).

Claim 5:

Morcos does not explicitly disclose *the system of claim 1, the development environment is an integrated development environment (IDE)*

However, in an analogous art, Dando further discloses *the development environment is an integrated development environment (IDE)* (e.g., col.1: 32-57; col.6: 61 – col.7: 14).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Dando's teaching into Morcos' teaching. One would have been motivated to do so to provide Single Document Interface and Multiple Document Interface to an IDE as suggested by Dando (e.g., col.2: 6-42; col.6: 45 – col.7: 14).

Claim 14:

Dando discloses *the system of claim 1, further comprising a tray component that facilitates presenting non-visual data in the IDE* (e.g., col.1: 32-57; col.6: 45 – col.7: 14).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Dando's teaching into Morcos' teaching. One would have been motivated to do so to provide Single Document Interface and Multiple Document Interface to an IDE as suggested by Dando (e.g., col.2: 6-42; col.6: 45 – col.7: 14).

Claim 15:

Morcos discloses *a system that facilitates an IDE, comprising:*

a hosting component that interfaces to the unmanaged application such that the unmanaged application functions as a designer within a development environment (e.g., FIG. 4, Word as a development environment, [0050]-[0054]),

the hosting component further comprising, an integration interface to facilitate integrating an unmanaged application as a designer in the development environment; a host adaptor that interfaces to the unmanaged application (e.g., FIG. 4, Excel as an unmanaged application, [0048]-[0049]),

the host adaptor is application specific to facilitate integrating the unmanaged application into the development environment (e.g., FIG. 4, Word as a development environment, [0050]-[0054]),

merges at least one menu of the unmanaged application with at least one menu of the development environment (e.g., FIG. 11, merging Word menus with Excel menus, [0091]-[0092]),

determines if the development environment has focus or if unmanaged application has focus, and enables at least one merged menu item and disabled at least one merged menu item based upon a result of the determination (e.g., FIG. 11, merged menu 1110 are based on focus from either Word menu 1100 or Excel menu 1105, [0083]-[0091]);

a document-hosting subcomponent that facilitates hosting a document that can be manipulated in the development environment (e.g., FIG. 4, Word as a development environment, [0050]-[0054]),

a designer framework that interfaces a development environment, the hosting component and designer framework interface such that the unmanaged application functions as a designer within the development environment (e.g., Excel is used so that Excel worksheets can be edited/designed, [0056]-[0061]; Excel embedded as a worksheet in Word, [0071]-[0073]),

the hosted application operates in at least two modes including a design mode and a runtime mode to distinguish between design actions and runtime actions within the hosted application wherein storage operatively coupled to a processor at least partially retains the hosting component or the designer framework (e.g., FIG. 4, shared memory 410, [0048]-[0054]; FIG. 1, hard disk 27 storing application programs 36 and data program 38, [0036]).

Dando further discloses:

a third-party unmanaged application as a designer in the integrated development environment IDE (e.g., IDE may have source code projects written/embedded in C++, Pascal, Java, JavaScript, ActiveX, XML...);

the hosted document has at least two views, including a design view and a code view (e.g., col.1: 25-29, IDE with debugging/compiling window and source code window, col.17: 36-53).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Dando's teaching into Morcos' teaching. One would have been motivated to do so as set forth above.

Claim 17:

Dando discloses *the system of claim 15, wherein native functionality of the unmanaged application is available within the IDE* (e.g., col.2: 6-42; col.12: 11-47).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Dando's teaching into Morcos' teaching. One would have been motivated to do so as set forth above.

Claim 18:

Morcos discloses *the system of claim 15 facilitates adding a control to the document and editing properties of the control* (e.g., [0009], [0071]-[0073]).

Claim 19:

Dando discloses *the system of claim 15 facilitates a merging of menus of the unmanaged application and the IDE* (e.g., col.6: 61 – col.7: 14; col.12: 11-47).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Dando's teaching into Morcos' teaching. One would have been motivated to do so as set forth above.

Claim 20:

Morcos discloses *the system of claim 15, the document contains at least one of embedded and linked objects* (e.g., [0013]-[0017], [0075]-[0082]).

Claim 21:

Dando discloses *the system of claim 15 facilitates the presentation of a properties window that displays properties for code-behind project items* (e.g., col.6: 61 – col.7: 14; col.12: 11-47).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Dando's teaching into Morcos' teaching. One would have been motivated to do so as set forth above.

Claim 23:

Dando discloses *the system of claim 15, the designer can handle the document in at least one of a binary format or an XML format* (e.g., col.2: 6-42; col.12: 11-47).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Dando's teaching into Morcos' teaching. One would have been motivated to do so as set forth above.

Conclusion

14. Any inquiry concerning this communication should be directed to examiner Thuy Dao (Twee), whose telephone/fax numbers are (571) 272 8570 and (571) 273 8570, respectively. The examiner can normally be reached on every Tuesday, Thursday, and Friday from 6:00AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached at (571) 272 3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Thuy Dao/   /Tuan Q. Dam/

Examiner, Art Unit 2192   Supervisory Patent Examiner, Art Unit 2192